

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

CHANTELLE M AIMABLE
Claimant

APPEAL NO: 14A-UI-06882-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/15/13

Claimant: Appellant (1)

Section 96.3-7 – Recovery of Overpayment of Benefits
Section 96.6-2 – Timeliness of Appeal

STATEMENT OF THE CASE:

Chantelle M. Aimable (claimant) appealed a representative's June 23, 2014 (reference 03) decision that concluded she had been overpaid unemployment insurance benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on July 28, 2014. The claimant participated in the hearing. This appeal was consolidated for hearing with related Appeal No. 14A-UI-06881-DT. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Was the claimant overpaid unemployment insurance benefits of \$403.00 for the week ending May 24, 2014?

FINDINGS OF FACT:

A representative issued a decision dated June 18, 2014 (reference 02) that concluded the claimant was disqualified from receiving benefits for the week ending May 24, 2014 by not being able and available for work that week. As determined in the concurrently issued decision in Appeal No. 14A-UI-06881-DT, the claimant did not timely appeal that decision and it has now become final.

The overpayment decision was issued in this case as a result of the June 18, 2014 (reference 02) disqualification decision.

The claimant established a claim for unemployment insurance benefits effective December 15, 2013. The claimant has received unemployment insurance benefits for the week ending May 24, 2014 in the amount of \$403.00.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is overpaid benefits of \$403.00.

As determined in the concurrently issued decision in appeal 14A-UI-06881-DT, the claimant did not timely appeal the decision that caused the overpayment in this case. If the claimant had a dispute with whether or not she should have been disqualified for the week ending May 24, 2014 because of not being able and available for work, then she needed to have filed an appeal from that decision within the appeal period for that decision. Iowa Code § 96.6-2; *Beardslee v. Iowa Department of Job Service*, 276 N.W.2d 373 (Iowa 1979). The decision causing the disqualification has now become final and is not subject to review in this case.

The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. Iowa Code § 96.3-7. In this case, the claimant has received benefits but was ineligible for those benefits.

The administrative law judge concludes that the claimant is overpaid benefits of \$403.00 pursuant to Iowa Code § 96.3-7 due to the disqualification decision issued on June 18, 2014. Even though those benefits were received in good faith, the overpaid benefits must be recovered in accordance with the provisions of Iowa law.

DECISION:

The representative's June 23, 2014 (reference 03) decision is affirmed. The claimant was overpaid benefits of \$403.00 for the week ending May 24, 2014.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/can